IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 746 of 2001(S/B)

Vice Chairman,
Mussoorie- Dehradun Development Authority,
Dehradun, Uttaranchal …… Petitioner

Versus

1. U.P. Public Services Tribunal,
   Indra Bhawan, Lucknow.
2. Shanti Swaroop Johri
   S/o Late Shri Shyam Lal Johri,
   R/o D[1]/16, Sector-I,
   Aliganj Colony, Lucknow.
3. Atul Gupta, Secretary to Govt. of U.P.
   Avas Anubhag-5, U.P. Civil Secretariat,
   Lucknow. ……. Respondents

…….

Sri Sudhanshu Dhulia, Senior Counsel with Sri Vipul Sharma, Advocate for the petitioner.
Smt. Beena Pande, Standing Counsel for respondent no. 1.
Sri. A.K. Joshi, Advocated for respondent no. 2.
None for respondent no. 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S.Rawat J,

RAJEEV GUPTA, C.J. (Oral)

Sri Sudhanshu Dhulia, Senior Counsel with Sri Vipul Sharma, Advocate for the petitioner.

Smt. Beena Pande, Standing Counsel for respondent no. 1.

Sri. A.K. Joshi, Advocated for respondent no. 2.

None for respondent no. 3.

2. Sri A.K. Joshi, the learned counsel for respondent no. 2, has raised a preliminary objection about the maintainability of the writ petition placing reliance on the dictum of the Apex Court in the Case of **L. Chandra Kumar Vs. Union of India and others** reported in (**1997) 3 SCC 261** and the Division Bench decision of this Court in the case of **D.D.Dimri Vs. U.P.State Public Services Tribunal and others** reported in **2007 (1) U.D. 371.**

3. Sri Sudhanshu Dhulia, the learned Senior Counsel for the petitioner, seeks permission to withdraw the writ petition with the liberty of availing the remedies which may be available to the petitioner for the redressal of the grievances projected in the writ petition before an appropriate forum/Court and also to seek condonation of delay on the ground that the petitioner was pursuing this writ petition under bona fide belief.

4. Permission granted.

5. With the above liberty, the writ petition is dismissed as withdrawn.

6. Consequently, CLMAs Nos. 2157 and 2641 of 2007 also stand disposed of.

(J.C.S Rawat, J.) **(Rajeev Gupta, C.J.)**
27.09.2007 27.09.2007

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